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8 **UNITED STATES BANKRUPTCY COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

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11 In re: } Case No. 20-41767 CN  
12 HIDDEN GLEN, LLC } Chapter 11  
13 Debtor, } **DECLARATION IN SUPPORT OF  
14 MOTION FOR RELIEF FROM  
THE AUTOMATIC STAY**

15 UNITED CONTRSTRUCTORS INC., } DATE: January 15, 2021  
16 Movant, } TIME: 11 a.m.  
17 v. } PLACE: Tele/Videoconference  
18 HIDDEN GLEN, LLC } U.S. BANKRUPTCY COURT  
19 } Honorable Charles Novack  
20 } Property: 3223 & 3225 Clayton Road,  
} Concord, California 94521

21 **CASH PAYNE'S DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM  
22 STAY**

1 I, CASH PAYNE, President of United Constructors Inc (“UCI”), Secured Creditor in the above  
2 referenced matter, affirm under penalty of perjury that the following is true and correct to the  
3 best of my knowledge:

- 4 1. I am President of UCI, a position I have held since the business incorporated on July 13,  
5 2016.
- 6 2. UCI is a California Corporation and duly licensed general contractor (CSLB License No.  
7 1013861).
- 8 3. On or about August 9, 2018, UCI entered into a contract with Hidden Glen, LLC to  
9 perform work on the development of two duplexes located at 3223 & 3225 Clayton Road,  
10 Concord, California 94521 (“Properties”).
- 11 4. On or about April 28, 2019, UCI entered into a second contract with Hidden Glen, LLC  
12 for additional work on the development of the Properties.
- 13 5. On or about February 2020, after one of the duplexes was completed and substantial  
14 work had been completed on the second, Hidden Glen, LLC terminated UCI.
- 15 6. UCI has a mechanics lien against the Properties for at least \$612,829.07 and is thus, the  
16 senior lienholder against the Properties.
- 17 7. In addition to the mechanics lien, UCI has other claims against Hidden Glen, LLC.
- 18 8. Combining the mechanics lien and other claims, UCI has claims in excess of  
19 \$1,277.853.02 against Hidden Glen, LLC.
- 20 9. On or about June 9, 2020, UCI filed a claim (“Claim”) against Hidden Glen, LLC in  
21 Contra Costa County Superior Court. (Case No. C20-01044).

1 10. The Claim is for Breach of Written Contract, Breach of Oral Contract, Foreclosure of  
2 Mechanic's Lien, Negligent Misrepresentation, Abandonment/Quantum Merit, and  
3 Partnership.

4 11. On or about October 19, 2020, the Hidden Glen, LLC filed a cross-complaint ("Cross  
5 Complaint") against UCI for \$1,065,000,

6 12. On November 9, 2020, the Hidden Glen, LLC filed a voluntary petition for Chapter 11  
7 bankruptcy.

8 13. Hidden Glen, LLC is currently operating as a debtor-in-possession ("Debtor").

9 14. The Debtor listed the Properties in Schedule A/B.

10 15. The Debtor listed the Cross-Complaint against UCI as an asset in the amount of  
11 \$1,065,00 on Schedule A/B.

12 16. UCI is also listed as a secured creditor for \$612,829.07 on Schedule D.

13 17. The completed duplex is being rented under a residential lease for \$6,190.

14 18. The uncompleted duplex is not generating income.

15 19. The Properties have a current market value of \$2.6 million and are subject to liens  
16 totaling \$2,821,383.35.

17 20. The Properties are earning \$6,190 (based on the completed duplex) yet contractual  
18 monthly expenses, not including payment on UCI's lien, total \$18,304.90.

19 21. On December 17, 2020, the Debtor filed a Motion for Approval of Use of Cash Collateral  
20 and scheduled a hearing for January 15, 2021 at 11 a.m.

21 22. On behalf of UCI, I approved an objection to the Debtor's Motion for Approval of Use of  
22 Cash Collateral and a Motion for Relief from Stay to be filed.

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2  
3 Declared in the city of <sup>Alamo</sup> \_\_\_\_\_, California on this <sup>6</sup> \_\_\_\_\_ day of January, 2021.  
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6 **NAME: CASH PAYNE**

7 **SIGNATURE:**



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